

IC 35-47.5-5

Chapter 5. Offenses Relating to Regulated Explosives

IC 35-47.5-5-1

Application

Sec. 1. Sections 2, 3, 4, 5, and 6 of this chapter do not apply to the following:

- (1) A person authorized to manufacture, possess, transport, distribute, or use a destructive device or detonator under the laws of the United States, as amended, or under Indiana law when the person is acting in accordance with the laws, regulations, and rules issued under federal or Indiana law.
- (2) A person who is issued a permit for blasting or surface coal mining by the director of the department of natural resources under IC 14-34 when the person is acting under the laws and rules of Indiana and any ordinances and regulations of the political subdivision or authority of the state where blasting or mining operations are being performed.
- (3) Fireworks (as defined in IC 22-11-14-1) and a person authorized by the laws of Indiana and of the United States to manufacture, possess, distribute, transport, store, exhibit, display, or use fireworks.
- (4) A law enforcement agency, a fire service agency, or an emergency management agency of Indiana, an agency or an authority of a political subdivision of the state or the United States, and an employee or authorized agent of the United States while in performance of official duties.
- (5) A law enforcement officer, a fire official, or an emergency management official of the United States or any other state if that person is attending training in Indiana.
- (6) The armed forces of the United States or of Indiana.
- (7) Research or educational programs conducted by or on behalf of a college, university, or secondary school that are:
 - (A) authorized by the chief executive officer of the educational institution or the officer's designee; or
 - (B) conducted under the policy of the educational institution; and conducted in accordance with the laws of the United States and Indiana.
- (8) The use of explosive materials in medicines and medicinal agents in forms prescribed by the most recent published edition of the official United States Pharmacopoeia or the National Formulary.
- (9) Small arms ammunition and reloading components of small arms ammunition.
- (10) Commercially manufactured black powder in quantities not to exceed fifty (50) pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or antique devices.
- (11) An explosive that is lawfully possessed for use in

legitimate agricultural or business activities.
As added by P.L.123-2002, SEC.50.

IC 35-47.5-5-2

Destructive devices

Sec. 2. A person who knowingly or intentionally:

- (1) possesses;
- (2) manufactures;
- (3) transports;
- (4) distributes;
- (5) possesses with the intent to distribute; or
- (6) offers to distribute;

a destructive device, unless authorized by law, commits a Class C felony.

As added by P.L.123-2002, SEC.50.

IC 35-47.5-5-3

Regulated explosives; persons convicted of felonies; prior unrelated convictions

Sec. 3. A person who has been convicted of a felony by an Indiana court or a court of any other state, the United States, or another country and knowingly or intentionally:

- (1) possesses;
- (2) manufactures;
- (3) transports;
- (4) distributes;
- (5) possesses with the intent to distribute; or
- (6) offers to distribute;

a regulated explosive commits a Class C felony. However, the offense is a Class B felony if the person has a prior unrelated conviction for an offense under this section.

As added by P.L.123-2002, SEC.50.

IC 35-47.5-5-4

Distribution of regulated explosives to persons convicted of felony

Sec. 4. A person who knowingly or intentionally distributes a regulated explosive to a person who has been convicted of a felony by an Indiana court or a court of another state, the United States, or another country commits a Class C felony.

As added by P.L.123-2002, SEC.50.

IC 35-47.5-5-5

Distribution of destructive device, explosive, or detonator to a minor

Sec. 5. A person who knowingly or intentionally distributes or offers to distribute:

- (1) a destructive device;
- (2) an explosive; or
- (3) a detonator;

to a person who is less than eighteen (18) years of age commits a

Class B felony.

As added by P.L.123-2002, SEC.50.

IC 35-47.5-5-6

Hoax devices or replicas

Sec. 6. A person who:

- (1) manufactures;
- (2) possesses;
- (3) transports;
- (4) distributes; or
- (5) uses;

a hoax device or replica with the intent to cause another to believe that the hoax device or replica is a destructive device or detonator commits a Class D felony.

As added by P.L.123-2002, SEC.50.

IC 35-47.5-5-7

Hindering or obstructing detection, disarming, or destruction of destructive device

Sec. 7. A person who knowingly or intentionally hinders or obstructs:

- (1) a law enforcement officer;
- (2) a fire official;
- (3) an emergency management official;
- (4) an animal trained to detect destructive devices; or
- (5) a robot or mechanical device designed or used by a law enforcement officer, fire official, or emergency management official;

of Indiana or of the United States in the detection, disarming, or destruction of a destructive device commits a Class B felony.

As added by P.L.123-2002, SEC.50.

IC 35-47.5-5-8

Destructive device or explosive to kill, injure, or intimidate or to destroy property

Sec. 8. A person who:

- (1) possesses;
- (2) transports;
- (3) receives;
- (4) places; or
- (5) detonates;

a destructive device or explosive with the knowledge or intent that it will be used to kill, injure, or intimidate an individual or to destroy property commits a Class A felony.

As added by P.L.123-2002, SEC.50.

IC 35-47.5-5-9

Use of overpressure device

Sec. 9. A person who knowingly or intentionally uses an overpressure device commits a Class A misdemeanor. However, the

offense is a Class D felony if the person has a prior unrelated conviction for an offense under this section.

As added by P.L.123-2002, SEC.50.

IC 35-47.5-5-10

Deploying a booby trap

Sec. 10. A person who knowingly or intentionally deploys a booby trap commits a Class D felony.

As added by P.L.123-2002, SEC.50.

IC 35-47.5-5-11

Use of regulated explosive in violation of commission rule

Sec. 11. A person who recklessly violates a rule regarding the use of a regulated explosive adopted by the commission under IC 35-47.5-4-4.5 commits a Class A misdemeanor. However, the offense is a Class D felony if the violation of the rule proximately causes bodily injury or death.

As added by P.L.35-2004, SEC.3.